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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,185	07/15/2003	Daniel Riley Hampton	046584-00001	8684
26359	7590	10/21/2005	EXAMINER	
SIROTE & PERMUTT, P.C. P.O. BOX 55727 2311 HIGHLAND AVENUE SOUTH BIRMINGHAM, AL 35255-5727			SUHOL, DMITRY	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/620,185

Applicant(s)

HAMPTON, DANIEL RILEY

Examiner

Dmitry Suhol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 May 0815.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell et al '491. Bell discloses a knurling tool containing all of the claimed elements including, with reference to claim 22, providing a tool (figure 1) including a knurled member (25), means of supporting the knurled member (rod 12, arm 63, U-shaped head 21 and bolt 26), means of grasping the tool including a first handle (61) and a second handle (62) connected with the tool between the knurled member and the first handle (figure 1). The steps of grasping the first handle with a hand and grasping the second handle with another hand, contacting the knurled member with a surface of the plate and manually rolling the knurled member about the surface of the plate, as required by claim 22, are described in col. 4, lines 23-28. A rod like member forming at least one bend, as required by claim 23, is shown in figure 1 as rod 63 having a bend. The limitations of claim 24 are encompassed by Bell in figure 1 with a first portion (arm 63), second portion (12), first bend (bend in arm 63), third portion (member 21), second bend (recess 22), fourth portion (26) and third bend (bend between member 26 and member 21). The knurled member being connected with the fourth portion, as required by claim

25, is shown in figure 1. The means of grasping being connected with a first portion, as required by claim 26, is shown in figure 1. The second handle including a bend, as required by claim 1, is shown in figure 3, where it can be seen that the lower handle portion has a bent curvature and therefore encompasses the claim limitation.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler et al '738 in view of Morin '946. Chandler discloses a tool containing most of the claimed elements including, providing a tool (as required by claims 22 and 28) having a rod with a length/ a base/means of supporting knurled member (rod/base/means defined by u-shaped member 18 and element 20) as required by claims 1, 13 and 28, a first handle (22) connected with the rod as required by claims 1, 13 and 28, a second handle (read onto element 24) connected with the rod as required by claims 1 and 13, a knurled member connected with the rod (drum 14) as required by claims 1, 13 and 28. The first handles being connected about an end of the rod and the second handle being connected intermediate the length of the rod, as required by claims 2 and 15, is shown in figure 1. The knurled member being rotatable, as required by claims 3 and 13, is described in col. 1, lines 50-51. The knurled member

comprising a drum having a knurled surface, as required by claim 4, is shown in figure 1 as drum 14 and described in col. 2, lines 38-40. The tool including a first, second and third bends, as required by claims 5 and 29, is shown in figure 1. Regarding claims 6-12, 16-21, and 30-31, figure 1 clearly shows a tool having the same structure as disclosed and claimed by the applicants. Handles being integral with the base, as required by claim 14, are shown in figure 1. Manually rolling the knurled member about the surface of the plate, as required by claim 28, is described in col. 3, lines 22-24.

Chandler fails to disclose that his second handle member (24) extends toward the knurled member (at an angle as required by claim 28), away from the first handle and beyond the length of the rod as required by claims 1 and 28 and the second handle being connected intermediate the length of the base, including a bend and extending toward the rotatable cylinder. However, Morin discloses a roller device, like that of Chandler, which teaches that it is known to manufacture such a device with a member (L), like member (24) of Chandler, which extends toward the rolling member is connected intermediate the length of a base, away from the first handle and beyond the length of the rod and has a bend (member L shown in figure 1 and 2). Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention to have manufactured the tool of Chandler with handle member with the attributes taught by Morin for the purpose of providing a member which may carry any desired additional weight, especially since both members (24 and L) serve the same purpose in similar type devices and therefore can be considered equivalents.

***Response to Arguments***

Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Suhol  
Examiner  
Art Unit 3725

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